

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-12-02
ROSEWATER SUBDIVISION
JANUARY 30, 2013

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Rosewater Subdivision, a 58 lot major subdivision that would create 46 single residential family lots and 12 residential townhouse lots. Located between Kalispell and Whitefish, the subdivision is on the north side of Rose Crossing 1/4 mile east of Whitefish Stage Road.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on February 13, 2013 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of April 15, 2013. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on February 13, 2013 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

Update 2/15/13: The Flathead County Planning Board held a public hearing on February 13th, 2013 to review the proposed subdivision. Board members present included Jim Heim, Noah Bodman, Jeff Larsen, Marie Hickey-AuClaire, Greg Stevens, and Ron Schlegel.

Staff presented the report, summarizing agency and public comment received to date, recognizing supplemental information regarding the proposed lake provided by the applicant after the staff report was written, and discussing pertinent review criteria, and draft findings and conditions for the Subdivision request. Following staff's presentation the applicant and technical representative gave brief presentations on the proposal, indicating concerns with the staff report's draft Conditions # 3 and #29 pertaining to requirements for obtaining approvals from separate agencies. The Board then opened the hearing for public comment, during which time seventeen individuals spoke regarding the subdivision (7 in support and 10 in opposition).

After discussion the Planning Board voted to adopt the staff report #FPP-12-02 as findings of fact, to amend draft Findings #27 and #26, to amend draft condition #29, to strike draft condition #3, and then voted unanimously on the motion to recommend

approval to the County Commission. The recommended Findings of Fact and Conditions are included on the attached Planning Board Addendum to this report.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to April 15, 2013 which is the end of the 80 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

Update 4/8/13: The Board of Commissioners reviewed this proposal on March 25, 2013. Staff summarized the subdivision staff report, reviewing the 34 draft findings of fact and 30 conditions specific to the subdivision request which were forwarded by the Planning Board. Staff recognized supplemental information regarding the proposed lake and its potential impacts which had been provided by the applicant after the original staff report was written and at the Planning Board's February 13, 2013 public hearing. Staff also recognized information which had been submitted by members of the public to the Commission in regard to both the proposed Rosewater PUD and Rosewater Subdivision via emails and written comments following the Planning Board's February 13, 2013 public hearing. It was discussed that pursuant to Section 4.4.6 of the Flathead County Subdivision Regulations, new and additional information presented following the Planning Boards' public hearing may require the need for a subsequent public hearing if determined to be 'new information' by the Commission.

Following staff's presentation, the Commission initially moved to adopt the Findings of Fact as recommended by the Planning Board. The Commission then held discussion on details related to the proposed lake, including concerns pertaining to potential leaking, the proposed contingency plan for response/repair to leaking, long-term monitoring and maintenance, the question of County liability and long-term financial responsibility for monitoring and maintenance of the lake, and potential noise impacts from the proposed waterskiing use of the lake. Further discussion addressed the concept of 'new information', and the Commission acknowledged having received valuable comments pertaining to the topics of discussion during the same day's previous Rosewater PUD public hearing and within emails and written comments received subsequent to the February 13, 2013 Planning Board public hearing on the Rosewater subdivision.

After discussion, the Commission voted unanimously "*to table the motion and send it back to the Planning Board because of new information*". For clarification, "*to table the motion*" was meant to suspend a vote or action on the main motion to adopt the Findings of Fact as recommended by the Planning Board, and "*send it back to the Planning Board because of new information*" meant the Commission was directing the Planning Board to schedule a subsequent public hearing for consideration of relevant new and credible information pertaining only to the specific matters of the proposed lake liner system and its potential for leaking, long-term maintenance and repair, and potential noise impacts associated with the proposed waterskiing use.

The specific actions of the Commissioners on March 25, 2013 are included on the attached Board of Commissioners Addendum to this report.